

REMARKS

Claims 1-29 are rejected in the Office Action. Claims 1, 16-17, 22, and 26-28 are amended, and claim 3 is cancelled. Accordingly, claims 1-2 and 4-29 remain pending.

CLAIM OBJECTIONS

In “Claim Objections” on page 2 of the above-identified Office Action, the Examiner objects to claim 17 because the claim ends in a semicolon. In response, Applicants have amended claim 17 to end in a period, obviating the objection.

REJECTIONS UNDER 35 USC §102

In “Claim Rejections – 35 USC §102” item 3 on page 2 of the above-cited Office Action, the Examiner rejects claims 1-28 as being anticipated by U.S. Patent Publication No. 2003/0110234 to *Egli et al.* (hereinafter “Egli”) under 35 USC §102(e).

Claims 1-15 and 26-27

The rejection of claim 3 is obviated by its cancellation.

Amended claim 1 recites a “method for a client device, comprising:

first requesting, by the client device, a first content from a content provider, the first content arranged in a hierarchical structure;

providing, by the client device, a characteristic profile to the content provider indicating characteristics of the client;

receiving, by the client device, a first reply from the content provider responsive to the first requesting, the first reply including a query for a characteristic of the client;

second requesting, by the client device, the first content from the content provider, the second requesting incorporating a query result for the query;

second receiving, by the client device, a second reply from the content provider responsive to the second requesting, the second reply including the first content or portion thereof, wherein the first content or portion thereof is determined based at least in part on the characteristic; and

determining, by the client device, if the content provider wants the query result to be automatically incorporated into a third requesting of second content from the content provider that is lower in the hierarchical structure than the first content.”

In contrast, Egli fails to teach or suggest determining “if the content provider wants the query result to be automatically incorporated into a third requesting of second content from the content provider that is lower in the hierarchical structure than the first content”, as is claimed in amended claim 1. Rather, Egli simply teaches a media content customizing and providing system to provide requested media contents to varying devices based on device characteristics, the provided contents customized based on the device characteristics. The client device of Egli first requests the content of the system. The system may then determine client device characteristics based on information provided in the request, based on a stored profile of the client device, or based on results of a query made by the system of the client device, inquiring as to client device characteristics. Upon determining the client device characteristics, the system may customize the requested content based on the characteristics and provide the customized content to the client device.

At no point does Egli disclose or suggest multiple requests for multiple hierarchically related contents, nor determining whether to automatically incorporate query result characteristics provided as part of the first request in the second request. In Egli, characteristic information is always stored by the system once ascertained. Thus, any such determination process by the client would be unnecessary, as the system would already have the query result and would not need to receive it again in future requests.

Accordingly, amended claim 1 is patentable over Egli under §102.

Independent, amended claim 26 includes in substance the same recitations as described above for amended claim 1. Thus, for at least the above stated reasons, claim 26 is patentable over Egli under §102.

Claims 2, 4-15, and 27 depend from claims 1 and 26, respectively, incorporating their limitations. Thus, for at least the same reasons discussed above, claims 2, 4-15, and 27 are patentable over Egli under §102.

Claims 16-23 and 28-29

Amended claim 16 recites a “method comprising:

receiving, by a content provider, from a client a first request for first content and a characteristic profile indicating characteristics of the client;

providing, by the content provider, a first response to the first request of the client, the first response lacking all of the requested first content, but wherein the first response incorporates a query for a characteristic of the client;

receiving, by the content provider, a second request for the first content, wherein the second request incorporates a query result for the query; and

providing, by the content provider, the first content to the client in accord with the query result.”

In contrast, Egli fails to teach or suggest that the “providing, by the content provider, a first response to the first request of the client, the first response lacking all of the requested first content, but wherein the first response incorporates a query for a characteristic of the client”, as is claimed in amended claim 16. As described above, the system of Egli may determine client device characteristics by receiving them from the client device, by looking them up in a profile, or by querying the client device for the characteristics. Nothing in Egli discloses the system querying the client device for characteristics in response to a request that already includes characteristics. Rather, Egli only teaches the querying of a client device if characteristics of that client device are unknown.

The present invention as claimed in amended claim 16, in contrast, queries the client device, despite receiving characteristic information from it, to obtain the most recent status of dynamic device characteristics, which are often different from those provided in a profile.

Accordingly, amended claim 16 is patentable over Egli under §102.

Independent, amended claims 22 and 28 include in substance the same recitations as described above for amended claim 16. Thus, for at least the above stated reasons, amended claims 22 and 28 are patentable over Egli under §102.

Claims 17-21, 23, and 29 depend from claims 16, 22, and 28, respectively, incorporating their limitations. Thus, for at least the same reasons discussed above, claims 17-21, 23, and 29 are patentable over Egli under §102.

In addition, claims 22 and 28 also recite “determining the client may be queried for characteristics not identified in the characteristic profile.” Such determining is also not disclosed in Egli. As discussed above, the system only queries the client if it lacks characteristic information. Thus, if the system received or had a characteristic profile, it would not seek to query the client for characteristics, and thus would make no such determination. Additionally, the client in Egli is not disclosed as having on limit on receiving and answering queries. Thus, it would make no sense for the system to perform the determining operation.

Claims 24-25

Claim 24 recites a “system comprising:

a proxy for managing communication with a content provider, the proxy operable to parse data received from a content provider to determine a query for a characteristic of the system, and to provide a query result to the content provider incorporating the characteristic of the system;

at least one agent for inspecting the system for various characteristics of the system; and

a manager having an interface communicatively coupled with the proxy to allow the proxy to direct the manger to dynamically instantiate an agent to determine the query result responsive to the query.”

In contrast, Egli fails to teach or suggest a proxy, an agent, or a manager in communication with a content provider. Egli is described in greater detail above. At best, Egli teaches that a part of the system may act as a proxy for a client device to another part of the system. However, even assuming that the one part of the system reads on the proxy (the content customizing module (CCM) in Egli), the other part (media transforming module (MTM) in Egli) is not capable of reading on the content provider, because the MTM does not query the CCM for characteristics, as is required by claim 24.

Accordingly, claim 24 is patentable over Egli under §102.

Claim 25 depends from claim 24, incorporating its limitations. Thus, for at least the same reasons discussed above, claim 25 is patentable over Egli under §102.

REJECTIONS UNDER 35 USC 103(A)

In "Claim Rejections – 35 USC §103" item 29 on page 8 of the above-cited Office Action, the Examiner rejects claims 21 and 29 as being unpatentable over Egli in view of U.S. Patent No. 6,978,373 to *Hild et al.* (hereinafter "Hild") under 35 USC §103(a).

Hild does not cure the deficiencies of Egli. Thus, claims 16 and 28 remain patentable even when Hild is combined with Egli.

Claims 21 and 29 are dependent on amended claims 16 and 28, respectively, incorporating their limitations. Therefore, for at least the same reasons discussed above, claims 21 and 29 are patentable over Egli and Hild, alone or in combination, under §103.

Conclusion

Applicants respectfully assert that claims 1-2 and 4-29 are in condition for allowance. Entry of the foregoing is respectfully requested and a Notice of Allowance is earnestly solicited. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 04/30/2007

/Robert C. Peck/

Robert C. Peck
Reg. No. 56,826

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: (503)222-9981